

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

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SALLY PADILLA,

Plaintiff,

v.

No. CIV 03-1412 BB/RHS

ROBERT WALKER and ANTHONY  
ROMERO, in their individual capacities, and  
CORNELL CORRECTIONS OF TEXAS,  
INC.,

Defendants.

MEMORANDUM OPINION  
AND  
ORDER ON APPEAL OF MAGISTRATE JUDGE'S  
ORDER ON EXTENDING PLAINTIFF'S DEPOSITION

THIS MATTER is before the Court on Plaintiff's appeal of Magistrate Judge Scott's order permitting up to three additional hours in which to complete Plaintiff's deposition [doc. #60], and the Court having reviewed the briefs of counsel and being duly informed, finds the appeal lacks legal support and it will be Denied.

Discussion

Plaintiff alleges Judge Scott's order is clearly erroneous and contrary to law. The Court must disagree. Even though the parties agreed between themselves to eight-hour deposition limits, nothing in Judge Scott's order allowing a three-hour extension based on the fact the multiple Defendants need time to examine Plaintiff is clearly erroneous


or contrary to law. *See, e.g., Ariza v. U.S. West Communications*, 167 F.R.D. 131 (D. Colo. 1996); *Litton Indus., Inc. v. Lehman Bros. Kuhn Loeb, Inc.*, 767 F. Supp. 1220 (S.D.N.Y. 1991).

Judge Scott having previously ruled on the scope of the deposition with regard to Plaintiff's past sexual history, the motion to stay is moot.

**ORDER**

For the above stated reasons, Plaintiff's appeal is DENIED.

SO ORDERED this 10<sup>th</sup> day of December, 2004.

  
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**BRUCE D. BLACK**  
United States District Judge